THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.21584 and 22275 OF 2006

01.11.2006

Between:

A.S.Gurappa, S/o.V.Subbaiah

… Petitioner

AND

Inams Deputy Tahsildar (FAC), Chittoor District, Chittoor
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.21584 and 22275 OF 2006

COMMON ORDER:

The petitioner in W.P.No.21584 of 2006 filed a claim before the Inams Deputy Tahsildar under Section 7(1) of A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (the Act, for brevity) claiming ryotwari patta in respect of land admeasuring Acs.6.34 in survey Nos.254/3, 254/5, 255/1 and 256/1 situated at Tiruchanur Village of Tirupati (Rural) Mandal in Chittoor District. Likewise, the petitioner in W.P.No.22275 of 2006 claimed ryotwari patta in respect of land admeasuring Acs.17.82 in survey Nos.254-2, 254-3, 254-4, 254-5, 255-1 and 256-1 situated in the same village. There has been litigation among rival claimants for ryotwari patta from 1993 onwards. Initially, the pattas were granted to various persons by the Revenue Divisional Officer (RDO), Tirupathi, which was subject matter of writ petition being W.P.No.11457 of 1998. This Court by order dated 25.2.2003 set aside the orders of the RDO dated 07.11.1997 and remanded the matter to Inams Deputy Tahsildar – first respondent herein. After remand, the first respondent considered the claims of several persons for grant of ryotwari patta and ordered grant of patta to respondents 3 to 11 in W.P.No.21584 of 2006 and to respondents 3 to 8 in W.P.No.22275 of 2006. The proceedings of the Inams Deputy Tahsildar dated 25.7.2006 was assailed before the RDO, Tirupathi, by filing appeal on 02.8.2006/22.9.2006. The petitioners also filed necessary applications seeking stay of the proceedings of the Inams Deputy Tahsildar insofar as the same denied ryotwari pattas to the petitioners. Though the applications were filed almost two months ago, they were not disposed of. Therefore, the present writ petitions are filed seeking appropriate directions to the appellate authority to pass orders.

After hearing the learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General-A), having regard to the decision of the Supreme Court in **I.T.Officer v Mohd. Kunhi**[1] and a decision of this Court in **N.Bal Reddy & others v**

Revenue Divisional Officer, Hyderabad[2], this Court is of considered opinion that when a public authority with statutory powers – either explicit or implicit – to stay an order of a lower authority pending consideration of appeal, such application should be disposed of expeditiously with utmost prudence. In a given case, if the order impugned before the appellate authority is not stayed/suspended, the very purpose of filing appeal would be defeated. As the petitioners have already approached the appellate authority by filing appropriate applications, at this stage, it would not be proper for this Court to express any further opinion.

These writ petitions are disposed of, directing the RDO, Tirupathi, to pass appropriate orders on the interlocutory applications in the appeals filed by the petitioners against the orders of the Inams Deputy Tahsildar (FAC), Chittoor, in Proceedings SR No.01/2006-IDT No.100/1990, dated 25.7.2006. This exercise shall be completed within a period of three days from the date of receipt of a copy of this order.

The writ petitions, with the above observations and directions, are accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

November 01, 2006

NOTE:

Dispatch order copy today.

(By order)

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[1] AIR 1969 SC 430 (para-8)

[2] 2004(2) ALD 419